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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,982	08/06/2001	Andrew Ewart Scott	A-70583/DJB	2198

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/831,982	SCOTT, ANDREW EWART	
	Examiner	Art Unit	
	Michael N. Opsasnick	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Pre-Appeal Conference request filed on 6/8/2006 and the decision from the Pre-Appeal Conference mailed on 7/25/2006, the finality of the Office Action mailed on 12/8/2005 has been removed and prosecution on the merits has been reopened.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8,11-21,24-34,37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayer (6282511).

As per claim 1, Mayer (6282511) teaches a data access method including connecting to a caller using a voice call path, receiving a request for data from said caller on said call path (col. 5 lines 42-52);

“sending.....prompt navigation language” as sending the request from the assigned voice serving unit to the primary serving node for the html page (col. 5 lines 49-55);

“receiving said....voice data....converting said voice data.....call path” as receiving the voiced text from the HTML page back to the user and converted into audio (col. 5 line 64 – col. 6 line 9).

As per claim 2, Mayer (6282511) teaches the HTML page to include voiced text (col. 5 lines 64-65), text and hypertext (col. 6 lines 47-65).

As per claim 3, Mayer (6282511) teaches conversion of text to speech (col. 6 lines 59-64).

As per claims 4,5, Mayer (6282511) teaches recognition of prompt data into a system action (col. 7 lines 24-29).

As per claim 6, Mayer (6282511) teaches waiting for the user’s response to be translated (col. 7 lines 19-29).

As per claims 7,8, Mayer (6282511) teaches responding to the user’s request with identifiable confirmation of what is located on the HTML page (col. 10 lines 35-50).

As per claims 11-13, Mayer (6282511) teaches the use of the system over the internet, taking advantage of HTML, to simulate IVR (col. 10 line 61 – col. 11, line 16).

Claims 14-21,24-34,37-39 are directed to a system and voice browser implementing the method as detailed in claims 1-8,11-13 and therefore are similar in scope and content and rejected under similar rationale as presented above in the rejection of claims 1-8,11-13.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9,10,22,23,35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (6282511) in further in view of Schwartz et al (6473609).

As per claims 9,10,22,23,35, and 36, Mayer (6282511) teaches the use of the html protocols in the method and system applied to the claims as noted above. However, Mayer (6282511) is silent on the use of WML or HDML in these methods/systems.

However, Schwartz et al (6473609) teaches the interchangeability of HTML, HDML, and WML with systems that are in communication with each other (Schwartz et al (6473609), col. 8 lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art of programming languages to modify the teachings of Mayer (6282511) to include a WML or HDML version of the HTML language because it would advantageously allow

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for more efficient passage of instructions, especially over differing types of networks
(Schwartz et al (6473609), col. 8 lines 46-55).

Response to Arguments

6. Examiner notes the introduction of the Schwartz reference to address applicant's concerns regarding HTML, WML and HDML.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
8/19/06


Michael N. Opsasnick
Examiner
Art Unit 2626